S.B. CIVIL WRIT PETITION NO.1448/1993
(Gulab Nath vs. State of Rajasthan & Ors.)

Date :: 10.02.2006

HON'BLE MR.JUSTICE GOVIND MATHUR

None present for the petitioner.
Mr.B.L. Tiwari, for the State.

According to the petitioner, he entered into an agreement with the District Rural Development Authority, Jodhpur in the year 1983 for drilling and installing a tube well in his field situated in village Ranod, Tehsil Bhopalgarh, District Jodhpur. At the time of agreement the cost of drilling as quoted by Ground Water Department, Jodhpur was of Rs.235/- per meter. It is also averred by the petitioner that on the basis of agreement referred above and the rates quoted by the Ground Water Department loan was advanced from the Bilara Bhoomi Vikas Bank Ltd., Bilara but the District Rural Development Authority (hereinafter referred to as 'DRDA') instead of drilling and installing tube well in the year 1984 executed drilling of the tube well in the year 1991 and, thereafter, demanded the cost of drilling and installing tube well @ Rs.566/- per meter.

Challenge is given by the petitioner to the aforesaid rates and the demand made consequent thereto.

It is contended in the petition that the respondent No.2 i.e. DRDA, Jodhpur agreed for drilling and installing tube well @ Rs.230/- per meter, therefore, no charge could have been made subsequently in the rates of drilling.

No reply to the writ petition has been filed on behalf of the respondents.

The petitioner though has referred an agreement and also placed a copy of the same on record, but from reading of it, it does not reveal that any rate for drilling and installing tube well was settled between the parties. The rate of Rs.235/- per meter was quoted by the Ground Water Department on 22nd April, 1984. The DRDA, Jodhpur under supervision of whom the tube well was drilled and installed is not abide by the cost quoted by the Ground Water Department in the year 1984. The tube well was drilled and installed in the year 1991 therefore, whatever cost was prevailing at that time is required to be charged from the petitioner. The respondent NO.2,

therefore, rightly determined the cost of drilling and installing tube well @ Rs.566/- per meter which was prevailing in the year 1991.

In view of the above, the writ petition is devoid of merit and as such is dismissed.

[GOVIND MATHUR],J.

Ashwini/-